

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

United States of America v. Tyler Chance Bateman
Case No. 3:18-cr-00042-TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

This matter comes before the Court on Defendant Tyler Chance Bateman’s Motion for Release to Partial Confinement (the “Motion”).¹ Bateman, who is currently incarcerated at Federal Correctional Institution (“FCI”) Sheridan, requests: (1) that prior CJA counsel Thomas E. Weaver be reappointed for purposes of the Motion; and (2) an order authorizing him to be released to a halfway house.² For the reasons below, the Court **GRANTS in part** and **DENIES in part** the Motion. As an initial matter, Thomas E. Weaver is appointed CJA counsel for purposes of the Motion *nunc pro tunc* as of March 3, 2023.

On August 31, 2022, the Court sentenced Bateman to fourteen months’ incarceration and one year of supervised release due to his violations of supervised release.³ The following day, in a separate state case, Bateman was convicted of “one or more” felonies.⁴ Bateman maintains that he has yet to be sentenced in this state case, and that he believes that his pending sentencing is the only factor preventing his eligibility for release to a halfway house.⁵ Bateman submits that the judge in his state case has “signed an Order on Bail While Waiting Sentencing” so that Bateman may “take advantage of all programs available to him” while in the Bureau of Prisons’ (“BOP”) custody.⁶ BOP has reportedly declined to transfer Bateman to a halfway house.⁷

Bateman now seeks an order from the Court authorizing such a transfer.⁸ However, BOP policy excludes “[i]nmates with unresolved pending charges, or detainees, which will likely lead to arrest, conviction, or confinement,” from halfway house or home confinement placement.⁹ Because Bateman is awaiting sentencing in his state case, that case remains unresolved, rendering him ineligible to be placed by BOP into a halfway house. Therefore, the Court declines to issue an

¹ Dkt. 205 (Motion).

² *Id.* at 2.

³ Dkt. 178 (Petition to Revoke Supervised Release); Dkt. 197 (Minute Entry).

⁴ Dkt. 205 at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ U.S. DEP’T OF JUSTICE, FED. BUREAU OF PRISONS, PROGRAM STATEMENT ON COMMUNITY CORRECTIONS CENTER (CCC) UTILIZATION AND TRANSFER PROCEDURE, § 10(f) (Dec. 16, 1998).

order authorizing Bateman's release to a halfway house, when such an order would violate BOP policy.

Accordingly, the Court **DENIES** the Motion at Docket 205.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: March 27, 2023.